

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Kegun Chen, Yiming Xue, Sauchun Chen, Xinping Zou,
Guiying Chen, Jianhua Fu, Taihaw Ma Ying, Yayun
Huang, Zhikun Qi, Junbao Lv, Xiujuan Lin, Fengqin Luo,
Xionghu Bai, Jichao Zheng, Shangqin Chen, Wenrong Lu,
Wenliang Gao, Zhengji Chao,

Plaintiff,

- against -

OCEANICA CHINESE RESTAURANT, INC.
d/b/a OCEANICA SEAFOOD
RESTAURANT, ZHIGANG WANG, XI LIU,
TIANMING ZHENG a.k.a. TIN CHENG, A
YE, QINZHOU CHEN, JINPING ZHU, JOHN
DOES #1-10,

Defendants.

Case No. 1:13-cv-4623-NGG-PK

**MOTION FOR DEFAULT
JUDGMENT PURSUANT TO
FED. R. CIV. P. 55(B)(2)**

Relief Sought

Plaintiffs Kegun Chen, Yiming Xue, Sauchun Chen, Xinping Zou, Guiying Chen, Taihwa Ma Ying, Yayun Huang, Zhikun Qi, Xiujuan Lin, Fengqin Luo, Xionghu Bai, Wenrong Lu, Wenliang Gao, by and through their attorneys, Hang & Associates, PLLC, move this Court for entry of a default judgment against defendants OCEANICA CHINESE RESTAURANT, INC. d/b/a OCEANICA SEAFOOD RESTAURANT, ZHIGANG WANG, A YE, under Rule 55 (b)(2) of the Federal Rules of Civil Procedure. Plaintiff requests that judgment be entered as set forth in the attached proposed default judgment.

Grounds for Relief

The Court should enter the judgment requested against defendants OCEANICA CHINESE RESTAURANT, INC.d/b/a OCEANICA SEAFOOD RESTAURANT, ZHIGANG WANG, and A YE, and in favor of plaintiffs Kegun Chen, Yiming Xue, Sauchun Chen, Xinping Zou, Guiying Chen, Taihwa Ma Ying, Yayun Huang, Zhikun Qi, Xiujuan Lin, Fengqin Luo, Xionghu Bai, Wenrong Lu, Wenliang Gao, because:

1. OCEANICA CHINESE RESTAURANT, INC. d/b/a OCEANICA SEAFOOD RESTAURANT, ZHIGANG WANG, and A YE have not appeared in this action and are, therefore, not entitled to notice of this application for entry of default judgment. However, plaintiffs have served notice of this motion and all the papers upon which it is based upon the defaulting defendants in any event, as evidence by the Certificate of Service that accompanies the Notice of Motion.

2. The Amended Complaint in this action sets out valid claims against the defaulting defendants, jointly and severally, for minimum wage, overtime pay in violation of the Fair Labor Standards Act and New York Labor Law, unpaid spread of hours pay in violation of the New York Labor Law, failure to pay back wages in violation of the New York Labor Law, failure to provide notices and statements under New York Law, and failure to reimburse tools of trade.

3. By virtue of the default, defendants OCEANICA CHINESE RESTAURANT, INC. d/b/a OCEANICA SEAFOOD RESTAURANT, ZHIGANG WANG, and A YE may not challenge any of the factual allegations supporting the above claims.

4. The terms of relief sought in the proposed default judgment are fully justified by the acts shown in the attached exhibits, the accompanying Declarations of Kegun Chen, Yiming Xue, Sauchun Chen, Xinping Zou, Guiying Chen, Taihwa Ma Ying, Yayun Huang, Zhikun Qi, Xiujuan Lin, Fengqin Luo, Xionghu Bai, Wenrong Lu, Wenliang Gao, the Declaration of

Shan Zhu, Esq. and under the law set forth in the accompanying Memorandum of Law in Support of Plaintiff's Motion for a Default Judgment.

5. Defendants in this case are not a minor nor an incompetent person nor an active member of the military.

Supporting Papers

This motion is based on this document and the documents accompanying this motion, including the Notice of Motion for Default Judgment pursuant to Fed. R. Civ. P. 55 (b)(2), the Declarations of Kegun Chen, Yiming Xue, Sauchun Chen, Xinping Zou, Guiying Chen, Taihwa Ma Ying, Yayun Huang, Zhikun Qi, Xiujuan Lin, Fengqin Luo, Xionghu Bai, Wenrong Lu, Wenliang Gao, the Declaration of Shan Zhu, Esq. and the Memorandum of Law in Support of Plaintiff's Motion for a Default Judgment, and on all of the pleadings and papers on file in this action, and on whatever evidence and argument may be presented at a hearing on this motion.

Dated: Flushing, New York
October 16, 2020

HANG & ASSOCIATES, PLLC.

/S/ SHAN ZHU

Shan Zhu, Esq.

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